

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC. CIVIL APPLN.(CONTEMPT PETITION) No 988 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and Sd/-

MR.JUSTICE R.P.DHOLAKIA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?  
1 to 5 - No
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GITABEN K. PATEL

Versus

KANTIBHAI GORDHANBHI SUTARIA

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Appearance:

MR KAMLESH SHETH for GM AMIN for Petitioner  
MR RK MISHRA for Respondent No. 1  
NOTICE SERVED for Respondent No. 2  
NOTICE SERVED to Respondent No. 3, 4

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CORAM : MR.JUSTICE B.C.PATEL and  
MR.JUSTICE R.P.DHOLAKIA

Date of decision: 18/03/98

ORAL JUDGEMENT (Per: B.C.Patel,J)

Mr.Mishra has deposited a sum of Rs.25,000/- on earlier occasion and thereafter, a sum of Rs.28,942/totalling to Rs.53,942/- in this Court. He has

placed on record the calculations and according to his calculations, the petitioner at the most can claim Rs.46,991/-. On behalf of the petitioner, a serious dispute is raised about the figures indicated by Mr.Mishra. We cannot go into the details as to what amount the teacher is entitled. If any evidence is required to be produced before the Court, then the same should be produced.

.RS 2

#. We direct the office to issue an account payee cheque in the name of respondent-Sharada Shishu Vihar Education Trust for an amount of Rs.6,951/-.

#. As there is a serious dispute about the salary, it will be open for the parties to place necessary evidence before the Tribunal. In our earlier order also, we have indicated how the dispute is raised by the teacher as well as the school. It is under these circumstances, we direct the Tribunal to decide the controversy by hearing the parties permitting to lead necessary evidence on the question and the Tribunal shall thereafter record its findings as to what amount the teacher is entitled to claim in view of the award.

#. Till then, the amount which is lying before this Court shall be invested in a fixed deposit account for a period of ninety days initially and if no further orders are passed, the amount shall be reinvested for similar period/periods. This application stands disposed of with the aforesaid direction to the Tribunal. It would be open for the applicant to move the Court after the decision that may be rendered by the Tribunal for claiming the amount. Rule discharged.

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